

# VIRGINIA FAIR HOUSING BOARD

## MINUTES OF MEETING

June 10, 2009

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

David B. Rubinstein, Chairman  
Tonye Epps  
Stephen McMaster  
Martin Maples  
Penny Johnson  
Jim Ginnell  
Neil Bhatt

The following Board Members were not present: James Schuyler, Laura DuPuy, Jeffrey Adkins and Robert Ruais

DPOR Staff present for all or part of the meeting included:

Jay DeBoer, Director  
Mark Courtney, Deputy Director  
Christine Martine, Executive Director  
Liz Hayes, Fair Housing Administrator  
Emily Trent, Administrative Assistant  
Trudy Miller, Fair Housing Investigator  
Angela Keefe-Thomas, Fair Housing Investigator  
Karen Taylor, Fair Housing Specialist  
Yvette Barnes, Fair Housing Investigator

Tom Payne, Assistant Attorney General with the Office of the Attorney General, and Hollie Reeves, intern, were present.

Chairman Rubinstein called the meeting to order at 10:04 **Call to Order**  
A.M.

A motion was made by Mr. Bhatt and seconded by Mr. **Agenda**  
Maples to approve the Agenda. The motion passed  
unanimously. Members voting "Yes" were: Bhatt, Epps,  
Ginnell, Johnson, Maples, McMaster and Rubinstein.

A motion was made by Mr. Maples and seconded by Mr. Ginnell to approve the following minutes: April 15, 2009, Fair Housing Board Meeting. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

**Minutes**

There was no public comment.

**Public Comment**

Liz Hayes updated the Board on the current investigative case load. No action was taken by the Board.

**Fair Housing  
Administrator's Report**

In the matter of **FHB File Number 2009-01359, Linda B. Matarese v. Malcolm McGregor, Mitch Mann, Amilcar Garcia, Archstone and Smith Property Holdings Park Vista, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Victor Glasberg, attorney for the Complainant was present and addressed the Board. A motion was made by Ms. Maples and seconded by Ms. Epps to defer the case to the next Board meeting to allow the Complainant's attorney time to review the case. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

**FHB File Number 2009-01359, Linda B. Matarese v. Malcolm McGregor, Mitch Mann, Amilcar Garcia, Archstone and Smith Property Holdings Park Vista, LLC**

In the matter of **FHB File Number 2009-00627, Darlene Thomas v. Beverly Thomas and Kelly Nance**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, Supplemental Final Investigative Report and Official Consultation Memorandum from the Office of the Attorney General.

**FHB File Number 2009-00627, Darlene Thomas v. Beverly Thomas and Kelly Nance**

At 10:30 A.M., Mr. Ginnell offered a motion which was seconded by Mr. Maples, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes and Angela Keefe-Thomas.

**Closed Session**

This motion is made with respect to the matter(s) identified as agenda item(s):

**11. FHB File Number 2009-00627, Darlene Thomas v. Beverly Thomas and Kelly Nance**

At 10:55 A.M., a motion was made by Mr. McMaster and seconded by Ms. Epps that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

**Certification**

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 7-0

AYES: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Adkins, DuPuy, Ruais and Schuyler.

In the matter of **FHB File Number 2009-00627, Darlene Thomas v. Beverly Thomas and Kelly Nance**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, Supplemental Final Investigative Report and Official Consultation Memorandum from the Office of

**FHB File Number 2009-00627, Darlene Thomas v. Beverly Thomas and Kelly Nance**

the Attorney General. The matter was deferred to the next Board meeting, as Ms. Johnson had a possible conflict of interest, leaving the Board without a quorum.

In the matter of **FHB File Number 2009-00794, Leslie Dawkins v. Trevia Dean**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Trevia Dean, respondent, was present and addressed the Board. A motion was made by Mr. Ginnell and seconded by Mr. McMaster to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Bhatt, Ginnell, Johnson, Maples, McMaster and Rubinstein. Member voting "No" was Epps.

**FHB File Number 2009-00794, Leslie Dawkins v. Trevia Dean**

In the matter of **FHB File Number 2009-02157, Gale Savage v. Bryane Washburn and Summit Properties**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Gale Savage, complainant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Maples to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

**FHB File Number 2009-02157, Gale Savage v. Bryane Washburn and Summit Properties**

In the matter of **FHB File Number 2009-02288, HOME of Va. v. Shelly Sims Wise and Kenneth J. Wise, Jr.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. Susan Scoville, HOME representative, was present and addressed the Board. A motion was made by Mr. McMaster and seconded by Mr. Ginnell to find reasonable cause that the Respondents engaged in discriminatory action by publishing discriminatory advertisement based on familial status. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

**FHB File Number 2009-02288, HOME of Va. v. Shelly Sims Wise and Kenneth J. Wise, Jr.**

In the matter of **FHB File Number 2009-01704, Robert Zebera v. Tidewater-Oxford Limited Partnership**, a motion was made by Mr. McMaster and seconded by Mr. Ginnell to close the case with a finding of no reasonable

**FHB File Number 2009-01704, Robert Zebera v. Tidewater-Oxford Limited Partnership**

cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

In the matter of **FHB File Number 2009-02565, Wendy Andreen v. Sylisa Lambert Woodward and Pathway Homes**, a motion was made by Mr. McMaster and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

**FHB File Number 2009-02565, Wendy Andreen v. Sylisa Lambert Woodward and Pathway Homes**

In the matter of **FHB File Number 2009-03239, Kermit and Rebecca Redman v. Rickie and Elizabeth Yankey**, a motion was made by Mr. McMaster and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

**FHB File Number 2009-03239, Kermit and Rebecca Redman v. Rickie and Elizabeth Yankey**

In the matter of **FHB File Number 2009-03099, Nancy Peralta v. Community Housing Partners, Mandy Wadley and Janaka Casper**, the case was deferred to the next Board meeting as Ms. Johnson had a possible conflict of interest, leaving the Board without a quorum.

**FHB File Number 2009-03099, Nancy Peralta v. Community Housing Partners, Mandy Wadley and Janaka Casper**

In the matter of **FHB File Number 2009-02548, National Fair Housing Alliance v. Clark E. Broadersen**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Mr. Bhatt and seconded by Ms. Johnson to find reasonable cause that the Respondents engaged in discriminatory action by publishing discriminatory advertisement based on familial status. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

**FHB File Number 2009-02548, National Fair Housing Alliance v. Clark E. Broadersen**

In the matter of **FHB File Number 2009-02288, HOME of Va. v. David and Patty Chaney, Shelley Sims Wise and Kenneth Wise, Jr.**, a motion was made by Mr. Bhatt and seconded by Ms. Johnson to approve

**FHB File Number 2009-02288, HOME of Va. v. David and Patty Chaney,**

the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

**Shelley Sims Wise and  
Kenneth Wise, Jr.**

In the matter of **FHB File Number 2009-03053, Laurie St. Andre v. Colonial Heritage Homeowner's Association, Inc. Board of Directors**, a motion was made by Mr. Bhatt and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

**FHB File Number 2009-  
03053, Laurie St. Andre  
v. Colonial Heritage  
Homeowner's  
Association, Inc. Board  
of Directors**

In the matter of **FHB File Number 2009-03214, Elizabeth Wethman v. Sunrise IV Washington House SL, LLC**, a motion was made by Mr. Bhatt and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

**FHB File Number 2009-  
03214, Elizabeth  
Wethman v. Sunrise IV  
Washington House SL,  
LLC**

In the matter of **FHB File Number 2009-03226, Theodore and Joyce Williams v. King Properties, Inc., Shonda Dunn, and Hermitage Manor, LLC**, a motion was made by Mr. Bhatt and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

**FHB File Number 2009-  
03226, Theodore and  
Joyce Williams v. King  
Properties, Inc., Shonda  
Dunn, and Hermitage  
Manor, LLC**

In the matter of **FHB File Number 2009-01016, Deborah York v. Occidental Development, LLC and Midwest Ventures of Indiana, LLC**, a motion was made by Mr. Bhatt and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

**FHB File Number 2009-  
01016, Deborah York v.  
Occidental  
Development, LLC and  
Midwest Ventures of  
Indiana, LLC**

In the matter of **FHB File Number 2009-03275, Danielle Ford v. Nancy Stokes, Palms Associates, Inc., Lakefield Mews Associates**, a motion was made by Mr. Bhatt and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The

**FHB File Number 2009-  
03275, Danielle Ford v.  
Nancy Stokes, Palms  
Associates, Inc.,  
Lakefield Mews**

motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

**Associates**

In the matter of **FHB File Number 2008-03599, Karen Webb v. Yvette C. Wallace**, a motion was made by Mr. Bhatt and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

**FHB File Number 2008-03599, Karen Webb v. Yvette C. Wallace**

In the matter of **FHB File Number 2009-02466, Donna Barnett v. Heather Mahe, Rhonda Ayers, GEM Management, Inc., Melton Run LLP, Melton Run Apartments**, a motion was made by Mr. Bhatt and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

**FHB File Number 2009-02466, Donna Barnett v. Heather Mahe, Rhonda Ayers, GEM Management, Inc., Melton Run LLP, Melton Run Apartments**

In the matter of **FHB File Number 2009-00364, Margaret Vinson v. Brandy Berry and Foxcroft, LP**, a motion was made by Mr. Ginnell and seconded by Ms. Johnson to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

**FHB File Number 2009-00364, Margaret Vinson v. Brandy Berry and Foxcroft, LP**

In the matter of **FHB File Number 2008-01789, Larry Morrisett v. Wythe County Board of Supervisors**, the Board reviewed the settlement terms as presented.

**FHB File Number 2008-01789, Larry Morrisett v. Wythe County Board of Supervisors**

At 11:30 A.M., Ms. Epps offered a motion which was seconded by Mr. Bhatt, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne and Liz Hayes.

**Closed Session**

This motion is made with respect to the matter(s) identified as agenda item(s):

**24. FHB File Number 2008-01789, Larry Morrisett v. Wythe County Board of Supervisors**

At 12:02 P.M., a motion was made by Mr. McMaster and seconded by Mr. Maples that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

**Certification**

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 7-0

AYES: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Adkins, DuPuy, Ruais and Schuyler.

The Board recessed from 12:03 P.M. to 12:13 P.M.

**Break**

A motion was made by Ms. Maples and seconded by Mr. Ginnell to authorize staff to file a NOIRA (Notice of Intended Regulatory Action) for the amendment of the Fair Housing Regulations. The motion passed unanimously. Members

**Administrative Issues**



voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

Tom Payne introduced the Fair Housing Board members to **Other Business**  
Hollie Reeves, intern with the Office of the Attorney General.

There being no further business, the meeting adjourned at **Adjourn**  
12:31 P.M.

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David B. Rubinstein, Chairman

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Jay W. DeBoer, Secretary

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